

No. PD-0545-20

IN THE COURT OF CRIMINAL APPEALS OF TEXAS, AT AUSTIN

**Kevin Ratliff**, Appellant

v.

**The State of Texas**, Appellee

FILED  
COURT OF CRIMINAL APPEALS  
8/5/2021  
DEANA WILLIAMSON, CLERK

On Appeal In Case Number CR7557, from the 424th District Court of Llano County, the Hon. Evan C. Stubbs, Judge Presiding, and the Opinion of the Third Court of Appeals in Case No. 03-18-00569-CR; dated February 14, 2020.

## **Motion for Leave to File Appellant's Supplemental Brief after Submission**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW, Kevin Ratliff, Appellant in the above styled and numbered cause, by and through David A. Schulman, his undersigned attorney of record, and respectfully enters this “Motion for Leave to File Appellant's Supplemental Brief after Submission,” and in support of such Motion would show the Court that, on July 13, 2021, Appellant submitted a document entitled “Post-Submission Argument and Authorities.” The Clerk’s office accepted and filed the document on July 14, 2021.

The undersigned is of the opinion that the Court now believes that the document more closely resembles a reply brief pursuant

to Rule 70.4, Tex.R.App.Pro. That being the case, the undersigned also believes that it is necessary to seek leave to file the document.

In that regard, Appellant would show the Court that the post-submission brief at issue referenced only items raised during oral argument, and the impact of the opinions of the Supreme Court of the United States issued following submission of the case. In short, the issues addressed in the supplemental post-submission brief could not have been brought to the Court's attention prior to submission.

Appellant would further show the Court that the post-submission brief was not submitted for any purpose of delay. Rather, the brief was submitted to assist the Court in resolving issues addressed and, in some circumstances, broached by one or more members of the Court.

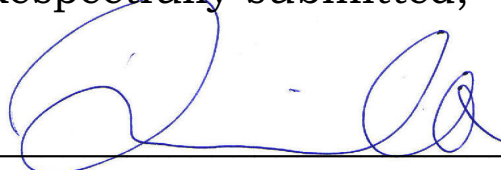
### **Prayer**

WHEREFORE PREMISES CONSIDERED, Appellant prays this Honorable Court to grant his Motion for Leave to File Appellant's Supplemental Brief after Submission" in all things, and will consider the post-submission argument and authorities raised in that brief.

## **Certificate of Compliance and Delivery**

This is to certify that: (1) this document, created using WordPerfect™ software, contains 326 words, excluding those items permitted by Rule 9.4 (i)(2)(B), Tex.R.App.Pro., and complies with Rules 9.4 (i)(2)(B) and 9.4 (i)(3), Tex.R.App.Pro.; and (2) on February 19, 2021, a true and correct copy of the above and foregoing motion was transmitted via the eService function on the State's eFiling portal, to Wiley ("Sonny") McAfee (smcafee@burnetcountytexas.org), and R. Blake Ewing (asstda3@burnetcountytexas.org), counsel of record for the State of Texas, and Stacey M. Soule (stacey.soule@spa.texas.gov), the State's Prosecuting Attorney.

Respectfully submitted,



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### Automated Certificate of eService

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